

REMARKS

Claims

Claims 162-174 are pending. Claims 162-165 have been amended and support can be found in the specification and claims as originally filed. New claims 175-178 have been added and support can be found in the specification and claims as originally filed. Claims 171-174 have been withdrawn.

With respect to all amendments, elections and withdrawn claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

First Restriction Requirement

The Examiner issued a first Restriction Requirement and species election on April 20, 2006. Applicants properly replied in responses dated September 20, 2006 and February 12, 2007. However, the Examiner reconsidered and vacated the April 20, 2006 Restriction Requirement as discussed below.

Interview – June 19, 2007

During a telephonic interview on June 19, 2007, the Examiner and the Examiner's supervisor Gary Nikol indicated to the Applicants' representing attorney, Jeffery Bernhardt, that a maximum of six peptide species would be examined. It was also indicated that a second Restriction Requirement would be faxed to the Mr. Bernhardt.

Second Restriction Requirement

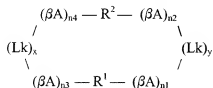
A second Restriction Requirement was faxed to Mr. Bernhardt on July 30, 2007 (a copy is enclosed with this response). In the second Restriction Requirement, the Examiner specifically vacated the first Restriction Requirement (page 2) and required restriction to one of the following Groups:

- Group I: Claims 162-170, as specifically drawn to a compound and pharmaceutical composition thereof, classified in class 514, subclass 2, for example;
- Group II: Claims 171-174 are drawn to a method for treating a patient comprising administering the compound, classified in class 514 subclass 2, for example.

Applicants elect Group I, claims 162-170 and reserve the right to pursue the subject matter of the non-elected invention at a later date.

Species Election

The Examiner required election of a maximum of six SEQ ID NOs. Applicants elect **SEQ ID NOs. 209, 210, 211, 212, 213 and 343** and reserve the right to pursue the subject matter of the non-elected species at a later date. The Examiner also required an election of species for each moiety in formula (VIII) as recited in claim 165.



Accordingly, the Applicants make the following species elections and reserve the right to pursue the subject matter of the non-elected species at a later date.

R¹ and R² : **see above**

n1: **zero**

n2: **zero**

n3: **zero**

n4: **zero**

x: **one (1)**

y: **zero**

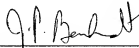
Lk: **lysine amide**

CONCLUSION

Please direct any calls in connection with this application to the undersigned at (650) 324-7000.

Respectfully submitted,
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Dated: August 30, 2007

By: 
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